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COMMITTEE ON WOMEN'S
QUESTIONS
(1934)
REPORT

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REPORT.

I.—INTRODUCTION.

1. We were appointed to consider various matters arising out of the Report of the Royal Commission on the Civil Service, (1929-31), in regard to the position of women in the Civil Service. The matters in question are dealt with in Chapter XII of the Royal Commission's Report.

2. The issues with which we are concerned may conveniently be considered under three main heads:—

(i) The application of the principle of "a fair field and no favour", including the question of the reservation of posts to men or to women;

(ii) Segregation and aggregation; and

(iii) The marriage bar, *i.e.*, the question of the employment of married women as established civil servants.

These are admittedly difficult issues on which widely divergent views exist in the Service. We have, however, been able to agree on the paragraphs which follow as representing the highest common measure of agreement between these different points of view.

II.—THE APPLICATION OF THE PRINCIPLE OF "A FAIR FIELD AND NO FAVOUR".

3. We agree with the recommendation of the Royal Commission (paragraph 398) that the appropriate course as regards the employment of women is to adopt what is described by them as the policy of "a fair field and no favour". It follows from the adoption of this policy that all posts in the Civil Service should be open to members of both sexes equally, except where adequate and publicly announced reasons exist to the contrary.

4. At the present time grades and posts in the various Departments are reserved either to men or to women. We recommend that Departments should undertake, through the appropriate machinery for joint discussion, an immediate review, in the light of the general principles referred to above, of reservations, existing or proposed, nominal or actual, operating within the Department. The full reasons for any reservations which it is proposed to make or continue should be publicly stated by the departmental authorities.

5. In paragraph 404 of their Report the Royal Commission set out certain categories of non-industrial posts now reserved to men which, in their opinion, should continue to be so reserved. We agree that the Commission's recommendations should be accepted by Departments as general guiding rules, but we contemplate that it may be found desirable to make exceptions when dealing with particular posts or kinds of appointment.

6. In paragraph 409 of their Report the Royal Commission refer to the position in the case of specialist classes.* We understand the Commission's view to be that the specialist classes should be open to both sexes, except where there exist adequate and publicly announced reasons to the contrary; and we concur in this view.

7. We also concur in the views expressed by the Royal Commission in paragraph 407 of their Report regarding the employment of women in the Executive Class.

8. In paragraphs 406 and 408, the Commission express views as regards the employment of women in the Administrative and Clerical Classes, with special reference to certain particular Departments and in paragraphs 410, 413 and 414, they deal with certain other departmental problems. The views expressed by the Commission in these paragraphs should be given full weight in the departmental reviews which we have recommended in paragraph 4, in the light of the policy adopted in paragraph 3.

9. We agree that in so far as reservations, whether in common service or departmental classes, continue to exist they should be publicly announced, and further that, except where formal reservation exists, Departments should not requisition candidates from a competition held by the Civil Service Commissioners in terms of one sex or the other. The determining authority as regards the sex of candidates to be assigned should be the Commissioners and not the requisitioning Department. In connection with the assignment of candidates from a competition, the Commission should, we suggest, have regard, along with other factors, to the possibility of reducing any existing disproportion of men and women as between Department and Department.

10. We agree with the Royal Commission (paragraph 403) that, whenever regulations are laid down prescribing the conditions of eligibility for and the method of appointment to a particular post, or advertisements are issued inviting candidature for a post, it should be stated whether candidature is open to men and women or is confined to one sex.

11. We recommend that information as to the action taken departmentally as a result of the review suggested in paragraph 4 should be made available; and that within a period not exceeding three years there should be a general review by a joint central body of the position then obtaining throughout the Service.

We accept the view expressed by the Royal Commission in paragraph 401 of their Report that the question which posts in the Service should be reserved to one sex or the other is not one which is capable of determination once and for all, but falls to be decided in the light of the conditions and requirements obtaining from time to time.

* The term "specialist" is used in the sense in which the Royal Commission use it in paragraphs 171-172 and elsewhere in their Report, *i.e.*, as a convenient abbreviation for professional, scientific and technical.

12. We have given consideration to the question of the constitution of Selection Boards in connection with competitions for which candidates of both sexes are eligible. We understand that it is already the practice to utilise the services of women on such Selection Boards; and we agree that full use should continue to be made on such Boards both of women civil servants and, where necessary, of women who are not civil servants. We appreciate that the precise method of constitution of any particular Board is a matter for the Civil Service Commissioners but we think that the practice in normal cases should be for such Boards to include both men and women, and we recommend accordingly.

13. We have also given consideration to the question of the employment of women in the various general service classes employed in the Civil Service Commission, in the Treasury and in the Establishment branches of Departments. The Civil Service Commission and the Treasury exercise special functions in connection with the numerous general questions which arise with regard to the recruitment and conditions of service of civil servants, whilst similar functions of a rather more detailed nature are exercised by the Establishment branches of Departments. In view of the changes which are at present occurring in the position of women in the Civil Service their employment in the Civil Service Commission and in the Treasury will be of value for a variety of reasons. We recognise that the rate at which the policy of their extended employment can be implemented is conditioned by practical considerations but we recommend that the matter should be kept under close review as opportunities arise through promotion and retirement.

Somewhat similar considerations govern the employment of women in the Establishment branches of Departments. Many Departments are employing an increasing number of women upon a widening range of duties. These developments may give rise to special problems and the employment of women upon staffing work is therefore beneficial to the administration of the Service.

The wider employment of women in Establishment branches will facilitate their employment on departmental promotion boards, an arrangement which we regard with favour particularly in view of the extended application generally of the principle of aggregation.

Our attention has also been drawn to the relatively few posts in the higher grades of the Service, other than posts in departmental classes mainly of an inspectorial character, at present filled by women. This is primarily due to the fact that the recruitment of women to some of the higher classes is of recent origin and, while the incidence of promotions will have some bearing on the matter, the future position will be affected, and no doubt largely determined, by the relative success of men and women at the various open competitions. In the meantime there should be no obstacle to the individual appointment of suitably qualified women, including

those at present employed in departmental classes, to posts of a general administrative character, and we recommend that this matter should also be kept under review.

14. In paragraph 415 of their Report the Royal Commission suggested that the position as regards the admission of women to the Diplomatic and Consular Services should be further examined. We have observed that the Secretary of State for Foreign Affairs has set up a Committee to review the whole matter.

III.—SEGREGATION AND AGGREGATION.

15. We agree with the Royal Commission that the general rule should be that in any class or grade in which members of both sexes are employed the principle underlying their employment should be that of aggregation of work and of posts. We consider, however, that, in those cases in which staffs are at present employed on a segregated basis, the detailed application of the principle of aggregation must be entrusted to Departments, and that it is impracticable to lay down any fixed and definite period for the attainment of aggregation in all Departments. We accordingly recommend that a departmental examination of the ways and means of placing staffing arrangements on an aggregated basis at the earliest possible date should forthwith be instituted. Such examination should be conducted by the Departmental Whitley Council or other appropriate joint body.

16. We further recommend that in due course there should be a general review by a joint central body, the object of which would be to ascertain whether progress was being made rather than to see how any changes had worked in practice. In certain cases it is clear that the practical application of the principle of aggregation will give rise to questions, the settlement of which may take some time. The Official Side have some doubt whether it would serve any useful purpose to have a central review in three years' time. They agree, however, that Departments should be asked to give immediate consideration to the matter, and they hope that it may be found that a review can usefully be undertaken at the end of a period which will not, at the outside, exceed five years.

17. We consider that aggregation should be carried out in accordance with a general plan covering all the posts in the Department or branch concerned, and that as from the time when aggregation begins to operate all recruitment should be on an aggregated basis. We further consider that in applying the principle of aggregation it is desirable that neither sex should suffer in prospects except in so far as may be entailed by the opening of the whole cadre to both sexes. The application of aggregation, where it opens to both sexes certain higher posts at present reserved to one sex, may have some effect, either by way of improvement, or otherwise, on the promotion prospects of staff at present serving in segregated cadres.

18. We observe that the Royal Commission expressed doubt as to the possibility of introducing aggregation in the case of the manipulative staffs of the Post Office. This question, in which also is included the position of the supervisory staff, will fall to be considered by the Post Office Departmental Whitley Council, which will have before it the Commission's views.

19. Some apprehension has been expressed lest the carrying out of aggregation should be used to increase the proportion of female to male staff. It must of course be borne in mind that aggregation may automatically result in an alteration in the relative number of men and women employed, but we are agreed that aggregation should not, of itself, be made the ground for increasing the existing rough proportion of women to men in the Civil Service. At the present time the relative proportion of men and women in the common service classes varies substantially from Department to Department. With common recruitment and aggregation the proportion will only be modified by the relative success of candidates of each sex at the open competitions, or by the incidence of promotions, except in so far as the Civil Service Commissioners find it feasible to take steps, in connection with the assignment of candidates, to equalise the position as between Departments. The existing disproportion as between Departments may in some cases be advantageously reducible by transfer; and, subject always to the overriding consideration of departmental interest, we agree that in such cases voluntary transfers between men and women on a head for head basis should be facilitated.

IV.—MARRIAGE BAR.

20. In their Report the Commission recommend the retention of the marriage bar for women civil servants at the present time (paragraph 435) subject to a discretionary power to make exceptions in individual cases. The general conclusions of the Commission on this question are summed up in paragraph 440 of their Report. In pursuance of these conclusions we recommend the adoption of this proposal and we agree with the Commission that the discretionary power should be a reality and a power which is in fact capable of use. We further agree that the object to be aimed at should be the retention in, or appointment to, the Service of a married woman in those cases where, in the opinion of the appropriate authority, any disadvantage which may arise out of the employment of a married woman is likely to be outweighed by her special qualifications or special experience.

21. We agree, therefore, that regulations 1 and 2 (a) of the 26th August, 1921, providing for, and prescribing the mode of, the admission of women to the Civil Service should be retained, but that the discretionary power contained in the existing regulation 3

should be re-stated in the following terms with a view to its clearer definition :—

“ Provided that, upon application by the woman concerned, exception may be made to regulations 1 and 2 (a) above in a case where the Head of the Department, the Civil Service Commissioners and the Treasury (in a case of recruitment), and the Head of the Department and the Treasury (in the case of an officer already in an established position) are satisfied after joint consideration that the employment in the Public Service of a married woman is advisable in the light of her special qualifications, or special experience in relation to the duties required of her, or of the special requirements of the Department in which she is serving.”

22. We contemplate that in dealing with individual cases as they arise Departments, in the application of the above formula, will be guided by the views expressed by us in the preceding paragraph. We agree that an application from a woman civil servant to be retained on marriage should be made to the Head of her Department, by whom it will be submitted to the Treasury for joint consideration.

23. We agree with the Commission that it is unnecessary that exceptions made under the above regulations should continue to be published in the London Gazette. We further agree that women appointed to or retained in the Service after marriage should have no claim to marriage gratuity, and that, where married women serve on a mobile staff, they should not be entitled to expect any modification in their interests of the conditions of service generally attaching to that grade.

24. We recommend that revised general regulations should be issued in a form available for reference by any would-be candidates for the Civil Service. We further consider that it will be desirable that the attention of the appropriate educational and professional bodies, University Appointments Boards, etc., should be drawn to the new regulations.

25. At the present time the detailed regulations for appointment to particular classes in the Civil Service contain an intimation to the effect that women candidates must be unmarried or widows, and that established women civil servants must resign on marriage. We agree that there will be cases where the regulations for certain competitions should contain a specific reference to the possibility in exceptional circumstances of the retention of women on marriage, or of the recruitment of a married woman. In this connection we have considered the provision which should be incorporated in the case of the following open competitions :—

- (i) Administrative Class,
- (ii) Tax Inspectorate Group,
- (iii) Executive Group,

- (iv) General and Departmental Clerical Classes,
- (v) Writing Assistants,
- (vi) Shorthand Typists,
- (vii) Typists.

26. We consider that no provision should be made for the use of the power to recruit married women in the case of any of the above competitions; but that in the case of the Administrative Class and of the Tax Inspectorate Group the detailed regulations should contain a specific reference to the possibility of the retention of a woman on marriage. We do not recommend such a specific reference in the case of the other competitions, as we think that this would merely result in raising expectations which are unlikely to be fulfilled.

27. We have in mind that a similar specific reference should be incorporated in the regulations governing admission to certain departmental classes; and we recommend that departmental consideration through the appropriate machinery should be given to the matter, regard being had, by way of analogy, to the arrangements proposed for the general classes referred to above.

28. The foregoing recommendations refer specifically to recruitment to the classes enumerated in paragraph 25 and to analogous departmental classes. They would not debar provision being made for the recruitment exceptionally of a married woman to a grade or post for which special qualifications or experience is required.

29. We recommend that a married woman civil servant should, in the event of confinement, be allowed special leave, pre-natal and/or post-natal, on full pay for a period not exceeding two months, and be eligible for an extension up to three months if recommended by medical certificate. Any further leave would be taken either as annual leave or as leave without pay. The period of full pay leave would count towards the maximum period of sick leave with pay allowed in any prescribed period. The treatment of subsequent illness necessitating absence from duty, which might be attributable to childbirth, would be dealt with on an *ad hoc* basis as a case arose.

30. We have considered the position of women who are in law married women, but whose position may present exceptional features. We have particularly in mind cases of:—

- (i) Married women separated from or deserted by their husbands and from whom they can obtain no support; and
- (ii) Married women whose husbands are physically or mentally incapacitated.

In category (i) we include the cases of women who for good reasons are unable to carry their divorce proceedings through or where the proceedings for similar reasons are unduly delayed.

31. The position of women in these categories may arise as regards:—

- (i) First appointment to the Service;
- (ii) Reinstatement in the Service;
- (iii) Establishment by reason of employment in a temporary capacity; and
- (iv) Retention in the event of marriage to a physically incapacitated man.

32. As regards first appointment to the Service, we agree that a woman who is in law a married woman must be so treated and can only be considered for appointment if she satisfies the conditions required to be satisfied generally in the case of a married woman.

33. As regards reinstatement, it has been agreed as a general principle that applications for reinstatement in the Civil Service can only be entertained in most exceptional cases and with due regard to the public interest. Where such conditions are satisfied, we recommend that applications from women legally separated from or deserted by their husbands from whom they can obtain no support, and from women whose husbands are mentally incapacitated without hope of recovery, should be sympathetically considered on merits with a view to their being accorded the treatment which would be accorded to the applicants if they were widows. Where such is administratively practicable, we contemplate that reinstatement will be in the same grade as that in which the woman was employed on resignation. We also agree that, when the question arises of the establishment under a special arrangement of a temporary woman employee on the grounds of long and satisfactory temporary service, the matter should be dealt with from the same point of view.

34. As regards women whose husbands suffer from total physical incapacity the Staff Side would wish to see extended to them the arrangements recommended in the case of women whose husbands are mentally incapacitated. In the opinion of the Staff Side paid employment and security of tenure are equally necessary to the woman in each case and they hold that, from an administrative point of view, permanent physical incapacity is no more difficult to define than permanent mental incapacity. The Staff Side are further of opinion that it should be open to a woman civil servant marrying a physically incapacitated man to submit on that ground an application for retention on marriage.

For the last mentioned proposal the Official Side see no sufficient justification and any attempt to apply it would, in their opinion, give rise to anomalies and complaints. They appreciate, however, that there may be hard cases of women with long temporary service or of ex-established women civil servants whose husbands suffer from total physical incapacity. These cases would vary

considerably and in the view of the Official Side a proposal to grant establishment in some or all of such cases would give rise to serious difficulties and is not one which they can, therefore, support. We understand, however, that women, whose husbands suffer from total physical incapacity, and who, as married women, are ineligible for establishment under the report of the Temporary Staffs Committee are being retained in a temporary capacity and that these and any similar cases will always be sympathetically considered from the point of view of temporary employment.

V.—EQUAL PAY.

35. The Staff Side of the Committee desire to record their opinion that equal pay as between men and women employed in the same class or grade is the logical accompaniment of "a fair field and no favour" and of aggregation. It has been held that the question of equal pay is outside the terms of reference of this Committee but the Staff Side desire to make it clear that the Service Associations, through other channels, will continue to press for equal pay between the sexes which they regard as indispensable to the real achievement of "a fair field and no favour".

36. We are greatly indebted to the skill and energy of the Joint Secretaries, Mr. H. Parker and Miss L. M. Sweet, and we desire to register our appreciation and thanks to them for their valuable assistance throughout our deliberations.

Official Side.

E. RAVEN (*Chairman*).
 W. R. FRASER.
 H. A. LEGGETT.
 ✓ HILDA MARTINDALE.
 R. S. MEIKLEJOHN.
 ✓ JAMES RAE.
 HUMBERT WOLFE.
 ✓ H. PARKER (*Secretary*).

Staff Side.

✓ W. EWART LLEWELLYN
 (*Vice-Chairman*).
 V. M. L. APPLEBY.
 ✓ W. J. BROWN.
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 ✓ A. J. T. DAY.
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 ✓ EDITH H. HOWSE.
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 ✓ A. C. WINYARD.
 J. I. WALL.
 ✓ L. M. SWEET (*Secretary*).

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23rd March, 1934.